

CERTIFIED TRUE COPY

RECEIVED AND FILED  
WITH THE  
N.J. BOARD OF DENTISTRY  
ON one 7-17-98

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY

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In The Matter Of : Administrative Action  
:   
HARRY INSABELLA, D.D.S. :   
: FINAL ORDER  
Licensed to Practice Dentistry:   
in the State of New Jersey :

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This matter was opened to the New Jersey State Board of Dentistry ("Board") following receipt of information that Harry Insabella, D.D.S. ("respondent"), had pled guilty to two counts of an indictment, to wit, conspiracy to commit robbery and receiving stolen property, and pled guilty to an accusation of perjury. Based on that information, the Board entered a Provisional Order of Revocation on December 17, 1997. That Order provided respondent with the opportunity to submit a written request for modification or dismissal of the order within thirty days of its entry. Respondent, through counsel, sought and received two extensions of the thirty day time period. By letter dated April 6, 1998, counsel for respondent provided legal argument and various submissions as set forth more fully below. Based on the record created, the following findings and conclusions are made:

FINDINGS OF FACT

1. Harry Insabella, D.D.S. has been a licensee of the Board at all times relevant hereto.
2. On or about June 20, 1997, two Judgments of Conviction, copies which are annexed hereto and made a part hereof, were

entered by the New Jersey Superior Court, Somerset County, Law Division-Criminal. The first Judgment of Conviction reveals that respondent entered a plea of guilty to one count of Perjury, a third degree offense, in violation of N.J.S.A. 2C:28-1. The second Judgment of Conviction reveals that respondent entered a plea of guilty to Conspiracy to Commit Robbery, a second degree offense, in violation of N.J.S.A. 2C:5-2; and he entered a plea of guilty to Receiving Stolen Property, a fourth degree offense, in violation of N.J.S.A. 2C:20-7.

3. For the conviction of Conspiracy to Commit Robbery, respondent was sentenced to ten years in New Jersey State Prison.

4. For the conviction of Receiving Stolen Property, respondent was sentenced to eighteen months in New Jersey State Prison to run concurrently with the ten year sentence imposed for his conviction of Conspiracy to Commit Robbery.

5. For the conviction of Perjury, respondent was sentenced to five years in New Jersey State Prison to run concurrently with the sentences imposed for the other offenses.

#### CONCLUSIONS OF LAW

Pursuant to N.J.S.A. 45:1-21(f) and N.J.S.A. 45:6-7(b), respondent's conduct as set forth herein constitutes grounds for suspension or revocation of respondent's license to practice dentistry in the State of New Jersey in that respondent has been convicted of a crime involving moral turpitude.

#### DISCUSSION

This order finalizes the Board's Provisional Order of December 17, 1997. By the terms of that provisional order, respondent was

given an opportunity to submit to the Board in writing a request for modification of the terms of the order, including modification of the penalty to be imposed, and an opportunity to provide documents or other written evidence for the Board's consideration. The order further provided that the Board would consider whether information presented established a need for an evidentiary hearing.

Counsel for respondent submitted a five page letter outlining Dr. Insabella's version of the events leading to the convictions and urging the Board to reconsider its preliminary decision to revoke his license. Attached to counsel's submission were six letters from friends and patients beseeching the Board to permit respondent to retain his license. In addition the Board received a letter from respondent's mother asking that her son be permitted to resume his practice. The Board also received letters from the husband and sister of the deceased victim of the robbery describing the impact that the crimes had on their lives.

On May 6, 1998, the Board considered whether to affirm or modify its provisional order, or to schedule an evidentiary hearing. Respondent's counsel appeared at the Board's public meeting and, while the Board had not granted any request for argument, was permitted to address the Board on the matter. Acknowledging that his client remained imprisoned on the convictions for conspiracy to commit robbery, receiving stolen property, and perjury, he nonetheless asked that the Board schedule a hearing in mitigation of the penalty to be imposed.

Following review of the record, the Board determined that no information had been presented which altered its preliminary finding that respondent has been convicted of crimes of moral turpitude, which provided the basis for the imposition of disciplinary action by the Board. These convictions are conclusive proof before the Board and support its preliminary finding that respondent's license should be revoked. Further, the Board found nothing in the numerous letters submitted on respondent's behalf that demonstrated a need for an evidentiary hearing on mitigation of any penalty imposed or that would warrant a change in the penalty previously deemed to be appropriate in light of the crimes for which respondent stands convicted, i.e., revocation of respondent's license to practice dentistry in this State. The acts perpetrated by respondent are clearly "act[s] of baseness, vileness or depravity in the private and social duties which a man owes to his fellow man, to society in general, contrary to the accepted and customary rule of right and duty between man and man"; and are "contrary to justice, honesty, modesty or good morals," State Board of Medical Examiners v. Weiner, 68 N.J. Super. 468, 483-84 (App. Div. 1961). Respondent was sentenced to ten years in a state prison for the crimes he committed. The seriousness of the crimes, the impact such crimes have on the public, and the need to ensure a high level of public confidence in the character and integrity of those holding a license to practice dentistry in this State, warrant the imposition of the sanction imposed provisionally by this Board in December 1997.

IT IS, THEREFORE, ON THIS 17<sup>th</sup> DAY OF JULY, 1998

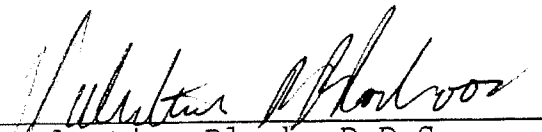
ORDERED THAT:

1. The license of respondent Harry Insabella, D.D.S. to practice dentistry in the State of New Jersey shall be and is hereby revoked effective immediately.

2. Respondent shall not own or otherwise maintain a pecuniary or beneficial interest in a dental practice or function as a manager, proprietor, operator or conductor of a place where dental operations are performed, or otherwise practice dentistry within the meaning of N.J.S.A. 45:6-19. Further, respondent shall divest himself of all shares or equity interest in any dental practices in which he has shares and/or an equity interest. Respondent shall observe the provisions of the Directives for dentists whose licenses have been suspended or revoked, a copy of which is attached and is incorporated into this Order.

3. Respondent's counsel's motion, made orally at the May 6, 1998, meeting of the Board, for a stay of this Order pending appeal is denied.

NEW JERSEY STATE BOARD OF DENTISTRY

By:   
Valentine Bloch, D.D.S.  
President

CERTIFIED COPY

State of New Jersey

v.

HARRY INSABELLA



New Jersey Superior Court  
Law Division - Criminal  
SOMERSET COUNTY

DEFENDANT:  
(Specify Complete Name)

DATE OF BIRTH February 5, 1958	SBI NUMBER 873407B
DATE OF ARREST March 28, 1995	DATE INDICTMENT/ ACCUSATION FILED June 19, 1995
DATE OF ORIGINAL PLEA August 4, 1995	ORIGINAL PLEA <input checked="" type="checkbox"/> NOT GUILTY <input type="checkbox"/> GUILTY

- ☒ JUDGMENT OF CONVICTION
- ☐ CHANGE OF JUDGMENT
- ☐ ORDER FOR COMMITMENT
- ☐ INDICTMENT / ACCUSATION DISMISSED
- ☐ JUDGMENT OF ACQUITTAL

ADJUDICATION BY

<input checked="" type="checkbox"/> GUILTY PLEA	DATE: April 25, 1997	<input type="checkbox"/> NON-JURY TRIAL	DATE:
<input type="checkbox"/> JURY TRIAL	DATE:	<input type="checkbox"/> Dismissed/Acquitted	DATE:

ORIGINAL CHARGES

IND / ACC NO.	COUNT	DESCRIPTION	DEGREE	STATUTE
95-06-00270-I	1	Murder	1st	2C:11-3a
	2	Poss. of weapon for unl. purpose	2nd	2C:39-4a
	3	Conspiracy to commit robbery	2nd	2C:5-2
	4	Robbery	1st	2C:15-1
	5	Unl. possession of handgun	3rd	2C:39-5b
	6	Receiving stolen property	4th	2C:20-7

FINAL CHARGES

COUNT	DESCRIPTION	DEGREE	STATUTE
1, 2, 4, 5	Dismissed		
3	Conspiracy to commit robbery	2nd	2C:5-2
6	Receiving stolen property	4th	2C:20-7

It is, therefore, on June 20, 1997 ORDERED and ADJUDGED that the defendant is sentenced as follows:  
 Ct. 3 = 10 yrs in NJ State Prison.  
 Ct. 6 = 18 months in NJ State Prison service of said sentence to run concurrently w/sentence imposed on Ct. 3. \$150 SSCP; \$10,000 VCCB.

ORIGINAL

☒ It is further ORDERED that the sheriff deliver the defendant to the appropriate correctional authority.

☒ Defendant is to receive credit for time spent in custody (R. 3:21-8).

TOTAL NUMBER OF DAYS	DATE (From/To) 3/28/95-5/2/95
93	DATE (From/To) 4/25/97-6/20/97

☐ Defendant is to receive gap time credit for time spent in custody (N.J.S.A. 2C:44-5b(2)).

TOTAL NUMBER OF DAYS	DATE (From/To)

Total Custodial Term 10 yrs Institution CDC Total Probation Term

Total FINE \$ \_\_\_\_\_

Total RESTITUTION \$ \_\_\_\_\_

If the offense occurred on or after December 23, 1991, an assessment of \$50 is imposed on each count on which the defendant was convicted unless the box below indicates a higher assessment pursuant to N.J.S.A. 2C:43-3.1. (Assessment is \$30 if offense is on or after January 9, 1986 but before December 23, 1991, unless a higher penalty is noted. Assessment is \$25 if offense is before January 9, 1986.)

☐ Assessment imposed on

count(s) \_\_\_\_\_

is \$ \_\_\_\_\_ each.

Total VCCB Assessment \$ \_\_\_\_\_

☐ Installment payments are due at the rate of

\$ \_\_\_\_\_ per \_\_\_\_\_

beginning \_\_\_\_\_  
(DATE)

If any of the offenses occurred on or after July 9, 1987, and is for a violation of Chapter 36 or 36 of Title 2C.

1) A mandatory Drug Enforcement and Demand Reduction (D.E.D.R.) penalty is imposed for each count. (Write in # times for each.)

\_\_\_\_ 1st Degree @ \$3000

\_\_\_\_ 2nd Degree @ \$2000

\_\_\_\_ 3rd Degree @ \$1000

\_\_\_\_ 4th Degree @ \$750

\_\_\_\_ Disorderly Persons or Petty

Disorderly Persons @ \$500

Total D.E.D.R. Penalty \$ \_\_\_\_\_

☐ Court further ORDERS that collection of the D.E.D.R. penalty be suspended upon defendant's entry into a residential drug program for the term of the program.

2) A forensic laboratory fee of \$50 per offense is ORDERED. \_\_\_\_\_ Offenses @ \$50.

Total Lab Fee \$ \_\_\_\_\_

3) Name of Drugs involved \_\_\_\_\_

4) A mandatory driver's license suspension of \_\_\_\_\_ months is ORDERED.

The suspension shall begin today, \_\_\_\_\_ and end \_\_\_\_\_

Driver's License Number \_\_\_\_\_

(IF THE COURT IS UNABLE TO COLLECT THE LICENSE, PLEASE ALSO COMPLETE THE FOLLOWING.)

Defendant's Address \_\_\_\_\_

Eye Color \_\_\_\_\_ Sex \_\_\_\_\_ Date of Birth \_\_\_\_\_

☐ The defendant is the holder of an out-of-state driver's license from the following jurisdiction \_\_\_\_\_. Driver's License Number \_\_\_\_\_☐ Defendant's non-resident driving privileges are hereby revoked for \_\_\_\_\_ Months.

If the offense occurred on or after February 1, 1993 and the sentence is to probation or to a State Correctional facility, a transaction fee of up to \$1.00 is ordered for each occasion when a payment or installment payment is made. (P.L. 1992, c. 169)

If the offense occurred on or after August 2, 1993, a \$75 Safe Neighborhood Services Fund assessment is ordered for each conviction. P.L. 1993, c. 220

If the offense occurred on or after January 5, 1994 and the sentence is to probation, a fee of up to \$25 per month for the probationary term is ordered. (P.L. 1993, c. 275) Amount per month \_\_\_\_\_

NAME (Court Clerk or Person preparing this form) CASHoward J. Weiss

TELEPHONE NUMBER \_\_\_\_\_

NAME (Attorney for Defendant at Sentencing)

Joseph A. Hayden, Jr., Esq.

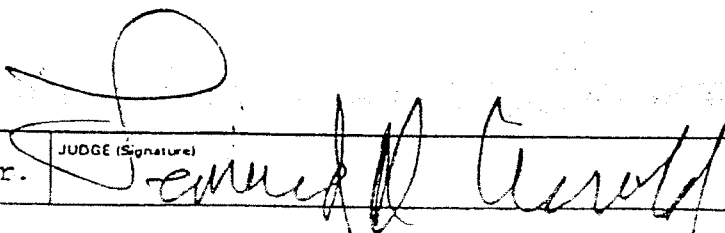
## STATEMENT OF REASONS

Reasons attached

JUDGE (Name)

Leonard N. Arnold, P.J.cr.

JUDGE (Signature)



DATE

June 20, 1997Administrative Office of the Courts  
State Bureau of Identification

COPIES TO: CHIEF PROBATION OFFICER

STATE POLICE

AOC CRIMINAL PRACTICE DIVISION

DEPT OF CORRECTIONS OR COUNTY PENAL INSTITUTION

CP0106 (6/94)

State of New Jersey

v.

HARRY INSABELLA

**CERTIFIED**New Jersey Superior Court  
Law Division - Criminal  
SOMERSET COUNTYDEFENDANT:  
(Specify Complete Name)

DATE OF BIRTH February 5, 1958	SBI NUMBER 873407B
DATE OF ARREST April 25, 1997	DATE INDICTMENT/ACCUSATION FILED April 25, 1997
DATE OF ORIGINAL PLEA April 25, 1997	ORIGINAL PLEA <input type="checkbox"/> NOT GUILTY <input checked="" type="checkbox"/> GUILTY

- ☒ JUDGMENT OF CONVICTION  
☐ CHANGE OF JUDGMENT  
☐ ORDER FOR COMMITMENT  
☐ INDICTMENT / ACCUSATION DISMISSED  
☐ JUDGMENT OF ACQUITTAL

ADJUDICATION BY

☒ GUILTY PLEA

DATE: April 25, 1997

☐ NON-JURY TRIAL — DATE:☐ JURY TRIAL

DATE:

☐ Dismissed/Acquitted DATE:

## ORIGINAL CHARGES

IND / ACC NO.	COUNT	DESCRIPTION	DEGREE	STATUTE
97-04-00244-A	1	Perjury	3rd	2C:28-1

## FINAL CHARGES

COUNT	DESCRIPTION	DEGREE	STATUTE
Same as above			

It is, therefore, on June 20, 1997 ORDERED and ADJUDGED that the defendant is sentenced as follows:

5 yrs in NJ State Prison service of said sentence to run concurrently w/sentence imposed on Ind. 95-06-0270-I. \$75 SSCP.

☒ It is further ORDERED that the sheriff deliver the defendant to the appropriate correctional authority.☐ Defendant is to receive credit for time spent in custody (R. 3:21-8).TOTAL NUMBER  
OF DAYS

DATE (From/To)

DATE (From/To)

☐ Defendant is to receive gap time credit for time spent in custody (N.J.S.A. 2C:44-5b(2)).TOTAL NUMBER  
OF DAYS

DATE (From/To)

Total Custodial Term 5 yrs Institution CDC Total Probation Term \_\_\_\_\_



State of New Jersey v. Harry InsabellaS.B.I. # 873407BIND / ACC # 95-06-00270-I

Total FINE \$ \_\_\_\_\_

Total RESTITUTION \$ \_\_\_\_\_

If the offense occurred on or after December 23, 1991, an assessment of \$50 is imposed on each count on which the defendant was convicted unless the box below indicates a higher assessment pursuant to N.J.S.A. 2C:43-3.1. (Assessment is \$30 if offense is on or after January 9, 1986 but before December 23, 1991, unless a higher penalty is noted. Assessment is \$25 if offense is before January 9, 1986.)

☒ Assessment imposed oncount(s) 2

is \$ \_\_\_\_\_ each.

Total VCCS Assessment \$ 10,000.00☐ Installment payments are due at the rate of

\$ \_\_\_\_\_ per \_\_\_\_\_

beginning \_\_\_\_\_

(DATE)

If any of the offenses occurred on or after July 9, 1987, and is for a violation of Chapter 35 or 36 of Title 2C,

1) A mandatory Drug Enforcement and Demand Reduction (D.E.D.R.) penalty is imposed for each count. (Write in # times for each.)

☐ 1st Degree @ \$3000☐ 2nd Degree @ \$2000☐ 3rd Degree @ \$1000☐ 4th Degree @ \$750☐ Disorderly Persons or Petty☐ Disorderly Persons @ \$500

Total D.E.D.R. Penalty \$ \_\_\_\_\_

☐ Court further ORDERS that collection of the D.E.D.R. penalty be suspended upon defendant's entry into a residential drug program for the term of the program.

2) A forensic laboratory fee of \$50 per offense is ORDERED. \_\_\_\_\_ Offenses @ \$50.

Total Lab Fee \$ \_\_\_\_\_

3) Name of Drugs Involved \_\_\_\_\_

4) A mandatory driver's license suspension of \_\_\_\_\_ months is ORDERED.

The suspension shall begin today, \_\_\_\_\_ and end \_\_\_\_\_

Driver's License Number \_\_\_\_\_

(IF THE COURT IS UNABLE TO COLLECT THE LICENSE, PLEASE ALSO COMPLETE THE FOLLOWING.)

Defendant's Address \_\_\_\_\_

Eye Color \_\_\_\_\_ Sex \_\_\_\_\_ Date of Birth \_\_\_\_\_

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If the offense occurred on or after August 2, 1993, a \$75 Safe Neighborhood Services Fund assessment is ordered for each conviction. (P.L. 1993, c. 220)

If the offense occurred on or after January 5, 1994 and the sentence is to probation, a fee of up to \$25 per month for the probationary term is ordered. (P.L. 1993, c. 275) Amount per month \_\_\_\_\_

NAME (Court Clerk or Person preparing this form) cas

TELEPHONE NUMBER \_\_\_\_\_

NAME (Attorney for Defendant at Sentencing)

Howard J. WeissJoseph A. Hayden, Jr., Esq.

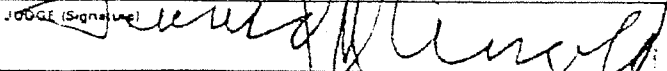
STATEMENT OF REASONS

Reasons attached

JUDGE (Name)

Leonard N. Arnold, P.J.Cr.

JUDGE (Signature)



DATE

June 20, 1997

DIRECTIVE REGARDING FUTURE ACTIVITIES  
OF BOARD LICENSEE WHO HAS BEEN SUSPENDED/  
REVOKED AND USE OF THE PROFESSIONAL PREMISES

A practitioner whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the Board shall conduct him/herself as follows.

- 1) Promptly deliver to the Board the original license and current biennial registration and, if authorized to prescribe drugs, the current State and Federal Controlled Dangerous Substances registrations.
- 2) Desist and refrain from the practice of dentistry in any form either as principal or employee of another licensee.
- 3) Inform each patient at the time of any inquiry of the suspended or revoked or retired status of the licensee. When a new licensee is selected by a patient, the disciplined practitioner shall promptly make available the original or a complete copy of the existing patient record to the new licensee, or to the patient if no new licensee is selected. Such delivery of record does not waive any right of the disciplined practitioner to claim compensation earned for prior services lawfully rendered.
- 4) Not occupy, share or use office space in which another licensee practices dentistry.
- 5) Desist and refrain from furnishing professional dental services, giving an opinion as to the practice of dentistry or its application, or any advice with relation thereto; and from holding him/herself out to the public as being entitled to practice dentistry or in any way assuming to be a practicing professional or assuming, using or advertising in relation thereto in any other language or in such a manner as to convey to the public the impression that such person is a legal practitioner or authorized to practice dentistry. This prohibition includes refraining during the period of suspension or revocation from placement of any advertisement or professional listing in any advertising medium suggesting eligibility for practice or good standing.
- 6) Cease to use any stationery whereon such person's name appears as a dentist in practice. If the practitioner was formerly authorized to issue written prescriptions for medication or treatment, such prescription pads shall be destroyed if the license was revoked. If the license was suspended, the prescriptions shall be destroyed or shall be stored in a secure location to prevent theft or any use whatsoever until issuance of a Board Order authorizing use by the practitioner. Similarly, medications possessed for office use shall be lawfully disposed

of, transferred or safeguarded.

7) Not share in any fee for dental services performed by any other licensee following the suspension, revocation or surrender of license, but the practitioner may be compensated for the reasonable value of the services lawfully rendered and disbursements incurred on the patient's behalf prior to the effective date of the suspension, revocation or surrender.

8) Use of the professional premises. The disciplined licensee may allow another licensee to use the office premises formerly occupied by the disciplined licensee on the following conditions only:

(a) The new licensee shall conduct the practice in every respect as his/her own practice including billings, claim forms, insurance provider numbers, telephone numbers, etc.

(b) The disciplined licensee may accept no portion of the fees for professional services rendered by the new licensee, whether by percentage of revenue, per capita patient, or by any other device or design, however denominated. The disciplined licensee may, however, contract for or accept payment from the new licensee for rent (not exceeding fair market value) of the premises and either dispose of or store the dental material and equipment, but in no event shall the disciplined licensee, on the basis of a lease or any other agreement for compensation place in the possession of any operator, assistant or other agent such dental material and equipment, except by a chattel mortgage. ~~any other professional use in which~~

(c) ~~No use of name of disciplined licensee or personally~~ No use of name of disciplined licensee or personally owned office name or tax- or provider identification number.

1. Where the disciplined licensee was using an individual IRS number or where the licensee was the sole member of an incorporated professional association or a corporation, the disciplined licensee may contract to rent the office premises to a new practitioner. The new practitioner must use his/her own name and own provider number on all bills and insurance claim forms. Neither the name nor the number of the disciplined licensee may be used. When the license of a sole practitioner has been revoked, a trade name must be cancelled and a professional service corporation must be dissolved.
2. Where the disciplined licensee is a

member of a professional group which uses a group-type name such as the ABC Dental Group, the disciplined licensee must arrange to have his/her name deleted, covered up or otherwise obliterated on all office signs, advertisements published by the group after the effective date of the Board disciplinary Order and on all printed billings and stationery. The other group members may continue to function under the incorporated or trade name, minus the name of the disciplined licensee, and may continue to use its corporate or professional identification number.

(9) Report promptly to the Board compliance with each directive requiring moneys to be reimbursed to patients or to other persons or third party payors or to any court, and regarding supervisory reports or other special conditions of the Order.

(10) A practitioner whose license is surrendered, revoked or actively suspended for one year or more shall conduct him/herself as follows:

- 1) Promptly require the publishers of any professional directory and any other professional list in which such licensee's name is known by the disciplined licensee to appear, to remove any listing indicating that the practitioner is a licensee of the Board in good standing.

- 2) Promptly require any and all telephone companies to remove the practitioner's listing in any telephone directory indicating that such practitioner is a practicing professional.

(11) A practitioner whose practice privileges are affected by a Board disciplinary Order shall, within 90 days after the effective date of the Board Order, file with the Executive Director of the Board a detailed affidavit specifying by correlatively lettered and numbered paragraphs how such person has fully complied with this directive. The affidavit shall also set forth the residence or other address and telephone number to which communications may be directed to such person. Any change in the residence, address or telephone number shall be promptly reported to the Executive Director.